REMARKS

I.   Introduction

Claims 1, 3, 5-14, and 24-44 are pending in the present application. Of these claims, claims 1, 30, and 31 are independent claims. The remainder of the claims, namely claims 3, 5-14, 24-29, and 32-44, depend directly or indirectly from independent claim 1.

The Examiner has rejected all the pending claims under 35 USC § 102 for anticipation based on US Patent No. 6,564,261 to Gudjonsson et al. ("Gudjonsson"). Therefore, if Applicants demonstrate that claims 1, 30, and 31 are not anticipated by Gudjonsson, then the claims that depend directly or indirectly any independent claim also will not be anticipated by this reference. Hereinafter, Applicants will demonstrate that pending claims 1, 3, 5-14, and 24-44 are not anticipated by Gudjonsson, thereby placing the present application in condition for allowance.

II.   Pending Claims Are Not Anticipated by Gudjonsson

Claims 1, 3, 5-14, and 24-44 are pending in the present application. Of these claims, claims 1, 30, and 31 are the only independent claims. Claim 1 is a method claim, and claims 30 and 31 are apparatus claims. At pages 2-4 of the Office Action, the Examiner has rejected claims 1 and 30 based on the same citations from Gudjonsson. At page 14 of the Office Action, the Examiner recites bases for rejecting claim 31 that rely on substantially the same citations as used in rejecting claims 1 and 30.

For there to be "anticipation" based on a single reference, that single reference must disclose each and every claim element in the same way. *See Schering Corp. v. Geneva Pharma., Inc.,* 339 F.3d 1373, 1377 (Fed. Cir. 2003) ("[a] patent claim is invalid for anticipation if a single prior art reference discloses each and every limitation of the claimed invention"); *Brown v. 3M,* 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("[t]o anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.,* 794 F.2d 1565, 1571 (Fed. Cir. 1986) ("absent from the reference of any claimed element indicates anticipation"). Applicants respectably submit that Gudjonsson does not meet the standard for a reference to properly support an anticipation rejection.

At pages 2-4 of the Office Action, the Examiner states the following in rejecting claims 1 and 30:

As per claim 1, Gudjonsson teaches, a method for determining one or more relationships between a plurality of users of a network system (see at "abstract" and col. 2, lines 51-67), the method including the steps of:

a) populating a database with a unique network user identifier for each of the plurality of users (see at "abstract" and "some communication network that can have access to the cluster. Users are registered within some specific cluster and given a unique user lD. This user ID along with the ID of the cluster (CID) constitutes a globally unique user ID within the whole system" at col. 2, lines 51-67).

b) selecting a user and further populating the database with connection data for the selected user from a network access device associated with the selected user to provide unique network user identifiers of users known to the selected user (see at "abstract" and "Terminals/clients can be software entities running under some operating system or any other device running on some communications network that can have access to the cluster. Users are registered within some specific cluster and given a unique user ID" at col. 2, lines 51-67. Also see at col. 7, lines 35-67 and col. 8, lines 47-65 for [a]selected user to provide unique network user identifiers)[.]

c) repeating step b) for the remainder of the plurality of users (see at "abstract" and "Terminals/clients can be software entities running under some operating system or any other device running on some communications network that can have access to the cluster. Users are registered within some specific cluster and given a unique user ID" at col. 2, lines 51-67. Also see at col. 7, lines 35-67 and col. 8, lines 47-65 for selected plurality of users to provide unique network user identifiers).

d) *for a predetermined user, searching each of the plurality of user's connection data in the database for the predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data* ("Users are registered within some specific cluster and given a unique user ID. This user ID along with the ID of the cluster (CID) constitutes a globally unique ID (UID) within the whole system" at col. 2, lines 51-67 and also at col. 7, lines 35-67, col. 8, lines 47-65 and col. 9, lines 1-7, since the users are already predetermined)[.]

e) *storing the network user identifiers of the users located by the search of step d), to provide set of data for the predetermined user representative of one or more other user's relationship with the predetermined user* (see at "abstract" and "locating the device address of other users to communicate with, and establishing a communications session with that device…users usually locate other users by finding them in their local address book, and then establish either a voice session…" at col.

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1, lines 18-29 and "The user mapping function (UMF) 25 is a piece-wise defined function which specifies on which US the service instances for a given UID are located..." at col. 21, lines 50-64. Also see col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 47-65 since the users are already predetermined and stored in the database).

        f) *providing data from the data set of step e) to a network access device associated with the predetermined user* (see at "abstract" and "first user (e.g., user #1) can establish a communications session (e.g., voice chat, text chat, etc.) with a second user (e.g., user #2) using one or more clusters of the network..." at col. 24, lines 32-66. Also see col. 1, lines 18-29, col. 2, lines51-67, col. 18, lines 18-59, col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 1-2 and col. 33, lines 31-48, thus, a network access device associated with the predetermined user is...establishing a communications session).

        Note that claim 30 recites the same corresponding limitations as set forth in claim 1 above, thus the claim is rejected accordingly (Emphasis in original and added.)

Applicants submit that Gudjonsson does not teach or suggest at least elements (d), (e), or (f) of claims 1 and 30, which are shown in italics in the quotation above.

At page 14 of the Office Action, the Examiner states the following in rejecting claim 31:

        As per claim 31, Gudjonsson teaches, "apparatus for determining one or more relationships between a plurality of users of a network system, the apparatus including: a database populated with a unique network user identifier for each of the plurality of users and with connection data for each such user, the connection data being obtained from a network access device associated with each such user, *a processor adapted to search each user's connection data in the database for a predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data, a memory device to store the user identifiers located by the search to provide a data set for the predetermined user representative of one or more other user's relationship with the predetermined user, and wherein the processor is further adapted to provide the data set to a network access device associated with the predetermined user"* (see "ractically, this means that the back-end may have virtually unlimited scalability as applies to splitting load across multiple clusters, and within each cluster between machines, processors, processes, threads etc., and load balancing...' at col. 14, lines13-40. Also about memory, Gudjonsson discloses, "Both of these data structures can be considered volatile and are kept in memory for efficiency reasons" at col. 26, lines 40-58. Also see at "abstract", col. 18, lines 18-59, col. 2, lines 51-67, col. 7, lines 35-67 and col. 8, lines 1-2 and col. 33, lines 31-48 (since, the users are already predetermined. (Emphasis in original and added.)

Applicants submit that Gudjonsson does not teach or suggest at least the processor, memory device, and the further feature of the processor in the wherein clause of claim 31.

In the previous Office Action dated May 11, 2009, the cited the following the portions of Gudjonsson to allegedly show support for his rejections of claims 1, 30 and 31:

Table 1

Claim Element	First Citation	Second Citation	Third Citation	Fourth Citation	Fifth Citation	Sixth Citation
Claims 1, 30, Sec. d)	Abstract	Col. 2, lns. 51-67	Col. 7, lns. 35-67	Col. 8, lns. 47-65	Col. 9, lns. 1-7	
Claims 1, 30, Sec. e)	Abstract	Col. 2, lns. 51-67	Col. 7, lns. 35-67	Col. 8, lns. 47-65	Col. 9, lns. 1-7	
Claims 1, 30, Sec. f)	Abstract	Col. 2, lns. 51-67	Col. 7, lns. 35-67	Col. 8, lns. 47-65	Col. 18, lns. 18-59	Col. 33, lns. 31-48
Claim 31: Processor and Memory Device	Abstract	Col. 2, lns. 51-67	Col. 7, lns. 35-67	Col. 8, lns. 47-65	Col. 18, lns. 18-59	Col. 33, lns. 31-48

As shown in the foregoing table, the Examiner has relied on substantially the same portions of Gudjonsson as disclosing independent claims 1, 30, and 31.

In the current Office Action dated January 29, 2010, the cited the portions of Gudjonsson to support his rejections of claims 1, 30, and 31:

Table II

Claim Element	Claims 1, 30, Sec. d)	Claims 1, 30, Sec. e)	Claims 1, 30, Sec. f)	Claim 31: Processor and Memory Device
First Citation	Col. 2, lns. 51-67	Col. 1, lns. 18-29 (New Citation)	Col. 24, lns. 32-66 (New Citation)	Col. 14, lns. 13-20 (New Citation)
Second Citation	Col. 7, lns. 35-67	Col. 21, lns. 50-64 (New Citation)	Col. 1, lns. 18-29 (New Citation)	Col. 26, lns. 40-58 (New Citation)
Third Citation	Col. 8, lns. 47-65	Col. 2, lns. 51-67	Col. 2, lns. 51-67	Abstract
Fourth Citation	Col. 9, lns. 1-7	Col. 7, lns. 35-67	Col. 18, lns. 18-59	Col. 18, lns. 18-59
Fifth Citation		Col. 8, lns. 47-65	Col. 7, lns. 35-67	Col. 2, lns. 51-67
Sixth Citation			Col. 33, lns. 31-48	Col. 7, lns. 35-67
Seventh Citation				Col. 8, lns. 1-2 (New Citation)
Eighth Citation				Col. 33, lns. 31-48

Referring to the table immediately above, the Examiner has relied on substantially the same portions of Gudjonsson as disclosing independent claims 1, 30, and 31 but has cited additional portions of Gudjonsson in attempt to refute Applicants' positions set forth in their previous Amendment dated November 11, 2009. However, Applicants submit that at least these elements or steps of these claims are not taught or suggested by the single reference Gudjonsson relied on by the Examiner to support the anticipation rejection.

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Applicants would first like to point out that it is believed that the Examiner does not understand the present invention. The present invention is directed to system and method for determining relationships between a plurality of network users. According to the invention, a database has input to it the unique user identifier for each network user and that user's connections. Then, each user's connection data in the database is searched for each particular user's unique identifier to determine all users that have that particular user's unique identifier. This is repeated for all network users. This creates a set of network-wide connections that are stored. This will provide an inbound connection set for each network user. (See, Summary of the Invention) Subsections (d), (e), and (f) of the claims 1 and 30, and the processor and memory of claim 31 are directed to the searching the database, storing the results of the search, and providing the data set to network access devices associated with a particular network user. These aspects of subsections (d), (e), and (f) of the claims 1 and 30, and the processor and memory of claim 31 will now be addressed in greater detail subsequently.

Applicants would also like to point out to the Examiner to the alleged invention to which Gudjonsson is directed from one of the citations, namely Gudjonsson at col. 8, lines 47-65, advanced as teaching or suggesting the present invention:

> In certain embodiments of this invention, by default a cluster 1 will run a basic set of services. In exemplary embodiments, this basic set of services may offer the following features: 1) allow each user (or user's client) 7 to have a unique identity within all clusters; 2) provide each user 7 the ability to connect and be securely authenticated by the cluster 1 using that identity; 3) provide each user 7 the ability to define arbitrary sets of data related to that identity (this data is persisted or stored in the database 13, and this data is referred to herein as "presence" data of the user); 4) provide each user 7 the ability to publish a dynamic status information and/or presence information related to their identity (in a simple case, this status or presence might be whether the user is currently online on his/her PC or not); 5) provide each user 7 the ability to monitor the status/presence of a given set of other users 7 (in the same or different cluster(s)), and be notified of any change thereof; and 6) provide each user 7 the ability to look for other user's identity(ies) using queries by name or other useful criteria.

The quotation immediately above makes plain that Gudjonsson is directed to a system that will permit connections between (1) cluster members and (2) members of different clusters, but it does not contemplate the present invention that creates a set of network–wide connections that show

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the interconnections of each network user as set forth in claims 1, 30, and 31. Further, the service that the present invention provides could be a service incorporated in the alleged Gudjonsson system, but within the four corners of Gudjonsson, the present invention according to claims 1 30, and 31 is not taught or suggested.

Referring to claims 1 and 30, the Examiner has contended that subsection (d) of each of these claims is taught or suggested by the portions of Gudjonsson cited in Table 2. Applicants submit that the Examiner fails to understand the teachings of subsection (d) of claims 1 and 30.

Subsection (d) of claims 1 and 30 states the following:

Claim 1 (d): for a predetermined user, searching each of the plurality of user's connection data in the database for the predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data...

Claim 30 (d): means for a predetermined user, searching each of the plurality of user's connection data in the database for the predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data...

With regard to subsection (d) of claims 1 to 30, each teaches that the user connection data includes user identifiers of users known to a selected user and obtained from the selected user's network access device. These sections also involve searching the connection data to identify users that have another user's, i.e., the predetermined user's, identifier in their connection data. This is repeated for each network user and establishes a set of network-wide connection. The citations to Gudjonsson with regard to subsection (d) do not teach or suggest this subsection. All the Examiner cites to is the existence of a global ID, which is not directed to _all_ of the aspects of subsection (d).

Noting the contents of the citations from Gudjonsson, the features of subsection (d) are not taught or suggested. Thus, this is a first basis why claims 1 and 30 are not anticipated by Gudjonsson.

Again referring to claims 1 and 30, the Examiner has contended that section (e) of each of these claims is taught or suggested by Gudjonsson. Applicants submit that the Examiner also fails to understand the teachings of subsection (e) of claims 1 and 30.

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Subsection (e) of claims 1 and 30 states the following:

Claim 1 (e): storing the network user identifiers of the users located by the search of step d), to provide set of data for the predetermined user representative of one or more other user's relationship with the predetermined user...

Claim 30 (e): means for storing the network user identifiers of the users located by the search of step d), to provide set of data for the predetermined user representative of one or more other user's relationship with the predetermined user...

With regard to subsection (e) as set forth above for claims 1 to 30, each teaches that the set of data that is obtained from the search that is carried out in previous step (d) and stored is a list of identifiers of those users who "know" the predetermined user, i.e., have the predetermined user's identifier in their connection data, irrespective of whether the predetermined user "knows" them. Subsection (e) is to be read in conjunction with subsection (d). The portions of Gudjonsson cited by the Examiner do not teach or suggest subsection (e) of claims 1 and 30 of the present application given what is stated by the portions of Gudjonsson relied on by the Examiner as shown in Table 2.

Noting this, the citations to Gudjonsson with respect to subsection (e) of claims 1 and 30 do not describe or disclose the features of subsection (e) as it is read in conjunction with subsection (d). This is second ground why claims 1 and 30 are not anticipated by Gudjonsson.

Referring to claims 1 and 30, the Examiner has contended that subsection (f) of each of these claims is taught or suggested by the portions of Gudjonsson cited by the Examiner in Table 2. Applicants again submit that the Examiner fails to understand the teachings of subsection (f) of claims 1 and 30.

Subsection (f) of claims 1 and 30 states the following:

Claim 1 (f): providing data from the data set of step e) to a network access device associated with the predetermined user.

Claim 30 (f): means for providing data from the data set of step e) to a network access device associated with the predetermined user.

With regard to the section (f) of claims 1 to 30, each teaches that a predetermined user is allowed to use his or her network access device to discover which other users have the predetermined user in their connection data.

Subsection (f) is to be read in conjunction with subsections (d) and (e) of claims 1 and 30. The portions of Gudjonsson cited by the Examiner in Table 2 directed to subsection (f) do not teach or suggest subsection (f) of claims 1 and 30 of the present application in its context with these other subsections. More particularly, there is no disclosure or description of the provision of networked identifiers, which are representative of users of the system, which have the predetermined user in their contact lists being supplied. This is a third basis why claims 1 and 30 are not anticipated by Gudjonsson.

Applicants have demonstrated that Gudjonsson does not teach at least subsections (d), (e), or (f) of claims 1 and 30 of the present application. Accordingly, Gudjonsson cannot be relied on to set forth a *prima facie* basis for anticipation of claims 1 and 30 of the present application. Therefore, Applicants have traversed the Examiner's anticipation rejection based on Gudjonsson and respectfully request that the Examiner withdraw this rejection as it has been applied to claims 1 and 30.

Claims 3, 5-14, 24-29, and 32-44 depend directly or indirectly from claim 1. Since these dependent claims add features to claim 1, if claim 1 is not anticipated by Gudjonsson, then claims 3, 5-14, 24-29, and 32-44 are not anticipated by Gudjonsson for the same reasons as claim 1. Noting this, Applicants have traversed the Examiner's anticipation rejection as it applies to dependent claims 3, 5-14, 24-29, and 32-44, and respectfully request that it be withdrawn.

Claim 31 is an apparatus claim that includes a processor and memory device as elements. Claim 31 recites the following:

31. (Previously Presented) Apparatus for determining one or more relationships between a plurality of users of a network system, the apparatus including:

a database populated with a unique network user identifier for each of the plurality of users and with connection data for each such user, the connection data being obtained from a network access device associated with each such user,

a processor adapted to search each user's connection data in the database for a predetermined user's unique network user identifier to identify all users that have the predetermined user's unique network user identifier in their connection data,

a memory device to store the user identifiers located by the search to provide a data set for the predetermined user representative of one or more other user's relationship with the predetermined user, and wherein the processor is further

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adapted to provide the data set to a network access device associated with the predetermined user.

The Examiner has rejected claim 31 based on substantially the same set of citations as directed to subsection (f) of claims 1 and 30, except for three new citations. These citations, including the new citations are not directed to the elements of the processor and memory device of claim 31 to the same extent they would not teach or suggest the elements of subsections (d), (e), and (f) of claims 1 and 30. Applicants submit because of this, the Gudjonsson does not anticipate claim 31.

Applicants have traversed the rejections based on Gudjonsson as applied to claims 1 and 30 because Gudjonsson does not teach or suggest at least the elements or steps of subsections (d), (e), and (f) of these claims. Applicants submit that for the same reasons that Gudjonsson does not teach or suggest the elements of subsections (d), (e), and (f), this reference also does not teach or suggest the features of the processor and memory device of claim 31 that are parallel to the elements or steps at subsections (d), (e), and (F) of claims 1 and 30. Therefore, Applicants have traversed the anticipation rejection applied to claim 31 based on Gudjonsson and request that this rejection be withdrawn.

Further, since Applicants have traversed the anticipation rejection based on Gudjonsson that has been raised against independent claims 1 and 30, they also traverse this rejection as it has been applied to claims 3, 5-14, 24-29, and 32-44 depend directly or indirectly from claim 1. Applicants, therefore, request that the anticipation rejection be withdrawn with regard to dependent claims 3, 5-14, 24-29, and 32-44.
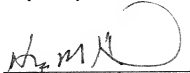
III.   Conclusion

Claims 1, 3, 5-14, and 24-44 are pending in the present application. The Examiner has rejected all the pending claims under 35 USC §102 for anticipation based on Gudjonsson. Applicants have demonstrated herein that Gudjonsson does not teach or suggest the invention of the pending claims. Accordingly, the anticipation rejections based on Gudjonsson are traversed and should be withdrawn, thereby placing the present invention in condition for allowance.

The present invention is new, non-obvious, and useful. Reconsideration and allowance of the claims are respectfully requested.

Applicants file herewith a Petition for Revival of an Application for Patent Abandonment Unintentionally and a Request for Continued Examination and the appropriate fees for the Petition and Request. Applicant believes no other fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0289917.00123US1 from which the undersigned is authorized to draw.

Respectfully submitted,

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